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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,902	07/28/2003	David Pettigrew	200310650-1	7436

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EXAMINER
DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/628,902	PETTIGREW, DAVID
	Examiner	Art Unit	
	Chelcie Daye	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 July 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 15-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13 and 15-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed July 10, 2006.

2.   Claims 1-13 and 15-20 are presented. Claim 14 is cancelled and no claims

added.

3.   Claims 1-13 and 15-20 are pending.

4.   Applicant's arguments filed July 10, 2006, have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-12,14,15,19-36,61-63, and 65-66 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Kobayashi (US Patent No. 6,633,888) in view of Keele

(US Patent No. 5,611,066).

Regarding Claims 1,23,61, and 66, Kobayashi discloses a method of

creating an archived file in a manner that allows an application to distinguish

between one or more data files and one or more print files in said archived file

comprising

generating a manifest file (column 7, lines 49-51, Kobayashi); and

including said manifest file (column 7, lines 49-51, Kobayashi) in said

archived file (column 7, lines 45-47, Kobayashi). However, Kobayashi does not

explicitly disclose wherein said manifest file indicates to said application a file

location within said archived file associated with said one or more data files, a file

location associated with said one or more print files, using an enforced directory

structure; and automatically distinguish between the files. On the other hand,

Keele discloses wherein said manifest file indicates to said application (column

23, lines 3-9, Keele; wherein application corresponds to "Creation Software

Component") a file location within said archived file associated with said one or

more data files (column 3, lines 5-11, Keele), a file location associated with said

one or more print files (column 28-29, lines 62-67 and 1-3, Keele; wherein the

location for the print files are represented by the "label" and print files correspond

to "print labels", and wherein the archive file corresponds to files stored on a CD),

using an enforced directory structure (column 25, lines 40-45, Keele); and

automatically distinguishing between the files (column 22, lines 20-23, Keele). It

would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate Keele's teaching into the Kobayashi system. A skilled

artisan would have been motivated to do so in order to receive the optimal use of

the system. Differentiating between the multiple files is not only knowledgeable

for the user but also for the system in order to improve download time. Kobayashi

and Keele are analogous art because they are from the same field of endeavor of

archiving data and making them available for access. As a result, by

distinguishing between the different functions of the files, this allows the system

to increase in production and speed and decrease in the amount of time needed.

Regarding Claims 2,24, and 62, the combination of Kobayashi in view of

Keele, disclose a method further comprising:

extracting files from said archived file with said application (column 23,

lines 19-22, Keele), said files including said one or more data files (column 3,

lines 5-11, Keele), said one or more print files (column 28-29, lines 62-67 and 1-

3, Keele), and said manifest file (column 7, lines 49-51, Kobayashi);

burning said one or more data files onto an optical disc (column 23, lines

43-52, Keele; wherein burning corresponds to "copy"); and

printing content corresponding to said one or more print files (column 28,

lines 62-64, Keele).

Regarding Claims 3,25, and 63, the combination of Kobayashi in view of

Keele, disclose a method further comprising downloading said archived file

(column 7, lines 45-47, Kobayashi) to a system containing said application

(columns 21-22, lines 66-67 and 1-2, respectively, Keele; wherein a system

corresponds to "Enterprise Authoring System").

Regarding Claims 4 and 26, the combination of Kobayashi in view of

Keele, disclose a method wherein said archived file is downloaded from an

Intranet or a website (column 23, line 34, Kobayashi) on an Internet (column 8,

lines 19-23, Kobayashi).

Regarding Claims 5 and 27, the combination of Kobayashi in view of

Keele, disclose a method wherein said archived file is downloaded from a wide

area network or a local access network (column 7, lines 7-10, Kobayashi).

Regarding Claims 6 and 28, the combination of Kobayashi in view of

Keele, disclose a method wherein said archived file is downloaded from a floppy

disk, an optical disc, or a hard drive (column 6, lines 54-55, Kobayashi).

Regarding Claims 7 and 29, the combination of Kobayashi in view of

Keele, disclose a method wherein said one or more print files comprise a label

file (column 18, lines 16-20, Kobayashi).

Regarding Claims 8 and 30, the combination of Kobayashi in view of Keele, disclose a method wherein said one or more data files comprise a disk image file (column 22, lines 26-29, Keele).

Regarding Claims 9 and 31, the combination of Kobayashi in view of Keele, disclose a method wherein said disk image file is in International Organization for Standardization (ISO) 9660 file format (column 23, lines 14-17, Keele).

Regarding Claims 10 and 32, the combination of Kobayashi in view of Keele, disclose a method wherein said one or more data files comprise audio files (Fig.1, item 197; columns 6-7, lines 64-67 and 1, respectively, Kobayashi).

Regarding Claims 11 and 33, the combination of Kobayashi in view of Keele, disclose a method wherein said one or more data files comprise video files (Fig.1, item 165; column 7, lines 5-7, Kobayashi).

Regarding Claims 12 and 34, the combination of Kobayashi in view of Keele, disclose a method wherein said one or more print files comprise graphics files (column 22, lines 56-58, Kobayashi).

Regarding Claims 14 and 65, the combination of Kobayashi in view of

Keele, disclose a method further comprising:

compressing said archived file (column 7, lines 47-49, Kobayashi) before

said downloading of said archived file (column 7, lines 45-47, Kobayashi); and

decompressing said archived file (column 29, lines 33-36, Keele) before

said extracting of said files (column 8, lines 46-51, Kobayashi).

Regarding Claim 15, the combination of Kobayashi in view of Keele,

disclose a method wherein said compressing comprises employing a ZIP

compression algorithm (column 7, lines 47-49, Kobayashi).

Regarding Claim 19, the combination of Kobayashi in view of Keele,

disclose method further comprising including said manifest file (column 7, lines

49-51, Kobayashi) in a root directory (column 41, lines 42-43, Keele) of said

archived file (column 7, lines 45-47, Kobayashi).

Regarding Claim 20, the combination of Kobayashi in view of Keele,

disclose a method further comprising:

including said manifest file (column 7, lines 49-51, Kobayashi) in any

directory (column 19, lines 9-14, Kobayashi) of said archived file (column 7, lines

45-47, Kobayashi); and

including a boot file (column 41, lines 19-21, Keele) in a root directory (column 41, lines 42-43, Keele) of said archived file (column 7, lines 45-47, Kobayashi), said boot file (column 41, lines 19-21, Keele) indicating a path of said manifest file (column 53, lines 42-46, Keele) in said archived file (column 7, lines 45-47, Kobayashi);

wherein said application is configured to recognize and read (column 28, lines 4-6, Keele) said boot file (column 41, lines 19-21, Keele).

Regarding Claims 21 and 35, the combination of Kobayashi in view of Keele, disclose a method wherein said content comprises a label (Fig.11, item 1160, Kobayashi; wherein property corresponds to content), a lyric sheet, a user manual, a case insert, or a case cover.

Regarding Claims 22 and 36, the combination of Kobayashi in view of Keele, disclose a method wherein said optical disc comprises a compact disk (column 22, lines 2-5, Keele), a digital versatile disk, or a video game disk.

7.   **Claims 13,16-18, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US Patent No. 6,633,888) in view of Keele (US Patent No. 5,611,066) as applied to claims 1-12,14,15,19-36, and 65-66 above, and further in view of Taylor (US Patent Application No. 20040019596).**

Regarding Claims 13 and 64, the combination of Kobayashi in view of Keele, disclose all of the claimed subject matter. However, Kobayashi in view of Keele do not explicitly disclose a method comprising generating said manifest file in Extensible Markup Language (XML). On the other hand, Taylor discloses a method further comprising generating said manifest file in Extensible Markup Language (XML) ([0052], lines 1-3, Taylor). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Taylor's teaching into the Kobayashi in view of Keele system. A skilled artisan would have been motivated to combine the Extensible Markup Language into the Kobayashi system because XML is known to be a simple, very flexible text format for exchanging structured documents and data across different systems, particularly systems connected via the Internet. According to the Microsoft Computer Dictionary, the definition of XML is allowing Web developers and designers to create customized tags that offer greater flexibility in organizing and presenting information than is possible with the older HTML document coding system. The art of Taylor are analogous to the art Kobayashi in view of Keele, because they are from the same field of endeavor of archiving objects and making them available for access. As a result, XML defines the type of information contained in a document, making it easier to return useful results and allowing the system to perform with more accuracy.

Regarding Claim 16, the combination of Kobayashi in view of Keele and further in view of Taylor, disclose a method wherein said generation of said manifest file comprises:

combining descriptor terms (Fig.2, table 60; [0035], lines 3-5, Taylor) with file-specific information (Fig.2, items 68,70,72; [0035], lines 5-8, Taylor); wherein, when said application reads said manifest file (column 28, lines 4-6, Keele), said descriptor terms indicate to said application ([0042], line 1, Taylor; wherein the unique identifier is the indicator to distinguish between the different file) which of said files are said one or more data files (column 3, lines 5-11, Keele) and which of said files are said one or more print files (column 28-29, lines 62-67 and 1-3, Keele).

Regarding Claim 17, the combination of Kobayashi in view of Keele and further in view of Taylor, disclose a method wherein said descriptor terms comprise:

a term[1] for identifying a file location of said one or more data files (column 3, lines 5-11, Keele); and

a term[2] for identifying a file location of said one or more print files (column 28-29, lines 62-67 and 1-3, Keele).

Regarding Claim 18, the combination of Kobayashi in view of Keele and

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[1] Term corresponds to "version number".

further in view of Taylor, disclose a method wherein said file-specific information

comprises a file path and name (column 53, lines 42-46, Keele).

Response to Arguments

Applicant argues, Kobayashi and Keele fail to disclose, "a manifest file that

indicates to an application a file location within the archived file associated with said one

or more data files and a file location associated with said one or more print files".

Examiner respectfully disagrees. As stated in the action above, Kobayashi

discloses at column 7, lines 45-51, wherein Java programs are packaged into a Java

Archive file, and included within the Java Archive file is a manifest file, which includes

extra information concerning zipped portions of the file. Also, as stated in the action

above, Keele discloses at columns 40-41, lines 55-67 and 1-6, wherein data files

contain information to be placed in the CD image, such as content file information. The

content file information consists of a data set name (DSN), and the DSN must each

reside on its own line, providing the system with its own file location for the data files.

Also, Keele discloses at column 28-29, lines 62-67 and 1-3, wherein the user can print

labels for CD's by using an EAS CD LabelPrinter to read a file and reproduces the file

especially for the CD. The print files are represented by any files located within the

WHATCD.TXT file that would be printed by the user. As far as disclosing a file location

being associate with the print files, Keele discloses at column 8, lines 27-34, wherein

the indexing and formatting are standards for CD's and the indexing portion provides

files which are later used to locate specific data. As shown, the combination of

Kobayashi in view of Keele disclose a manifest file that indicates to an application a file

location within the archived file associated with said one or more data files and a file

location associated with said one or more print files.

Applicant argues, Kobayashi and Keele fail to disclose, "an archived file with an

enforced directory structure that separates and identifies the location of print files as

opposed to data files".

Examiner respectfully disagrees. In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., *an enforced directory structure that separates*

and identifies the location of print files as opposed to data files) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, as stated in the action above,

Keele discloses at column 25, lines 28-45, wherein the ImageBuild takes files and

arranges them in accordance with ISO standards. The ImageBuild uses the control file

to specify information and the content files for each directory built. The user constructs

DSN's to represent standard files and to these files the user adds and indexes

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[2] Term corresponds to "physical media hub number".

information. Lastly, the ImageBuild will order all of these files into a compatible directory structures. As seen the ImageBuild separates and indexes different files, which represent different information. Therefore, the combination of Kobayashi and Keele disclose using an enforced directory structure that indicates which files are data files and which files are print files.

Applicant argues, Kobayashi fails to disclose, "anything about print files in an archived file and thus cannot teach extracting data and print files from an archived file" and Keele fails to disclose, "extracting print files from an archived file and then printing content corresponding to those files".

Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As stated in the previous office action, Kobayashi disclosed the use of an archived file. However, the Keele reference was relied upon for disclosing the print files, which were to be represented in the archived file. As a result, the combination of Kobayashi in view of Keele discloses the use of print files in archived files. Also, Keele discloses at column 23, lines 19-22, wherein the ImageBuild is used to facilitate the extraction of index information from user data, and for other preprocessing functions. This demonstrates that the system extracts the information, which has been

indexed (i.e. data files and print files) accordingly. Lastly, the printing of said print files are disclosed within Keele at column 28, lines 62-64, wherein the LabelPrinter, prints the desired labels.

Applicant argues, "the boot record taught by Keele has nothing to do with the boot file claimed by Applicant, and the boot record taught by Keele is not part of an archived file and does not indicate the location of a manifest file that is also in the archived file as claimed".

Examiner respectfully disagrees. Applicant argument that the boot record represented by Keele has nothing to do with the boot file claimed by the applicant is mere allegation, because there is nothing clearly stated within the claim language to distinguish applicant "boot file" from Keele's "boot record". Also, claim 20 was rejected under 35 USC 103, as a Kobayashi in view of Keele rejection. Therefore, it is impermissible for the applicant to solely argue, Keele does not disclose the boot record being part of an archived file, because the archived file was disclosed within the Kobayashi reference, and was in incorporated from thereon out. Lastly, location of a manifest file was disclosed by Keele at column 53, lines 42-46, wherein the operator types in a complete path for the EAS Control Unit. Since the EAS is known to be used for archival storage (column 22, lines 8-19, Keele), the location of a manifest file is also in the archived file.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
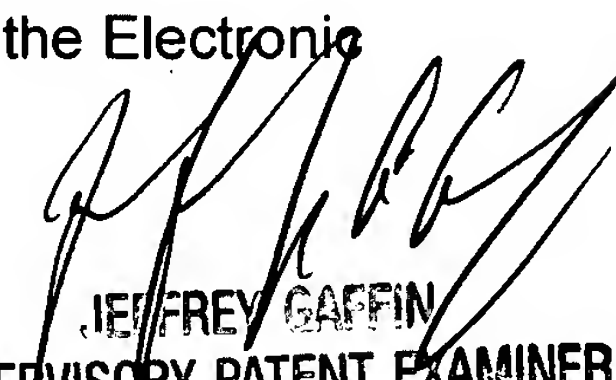
Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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